Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

CONFIDENTIAL

PAGE 01 SINGAP 01189 111143Z

56
ACTION DLOS-04

INFO OCT-01 EA-07 IO-11 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 OIC-02 EUR-12 /127 W
---------- 088195
R 111017Z MAR 76
FM AMEMBASSY SINGAPORE
TO SECSTATE WASHDC 4782
USMISSION USUN NEW YORK
INFO AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR

C O N F I D E N T I A L SINGAPORE 1189

E.O. 11652: GDS
TAGS: PLOS, SN
SUBJ: LOS: UP-COMING LOS CONFERENCE SESSION

REF: STATE 054588

SUMMARY: EMBASSY DEMARCHE ON UPCOMING LOS CONFERENCE ELICITED EQUALLY STRONG GOS HOPE THAT KEY ISSUES WILL BE SUCCESSFULLY NEGOTIATED. SINGAPORE'S POSITIONS ARE VERY CLOSE TO U.S. ON MOST ISSUES, AND IT WAS CLEAR FROM DISCUSSION THAT GOS IS PREPARED TO PLAY A CONSTRUCTIVE AND MODERATE ROLE AT NEW YORK. HOWEVER, SINCE SEVERAL ISSUES, ESPECIALLY REGIME FOR DEEP SEA-BEDS, ARE OF LESS IMPORTANCE TO SINGAPORE THAN TO U.S., GOS IS PREPARED TO ACCEPT COMPROMISES WHICH MIGHT NOT BE ACCEPTABLE TO U.S. GOS ALSO EXPRESSED HOPE THAT U.S. WILL PROPOSE AS FEW AMENDMENTS AS POSSIBLE TO SINGLE TEXT SINCE THE FEWER THE AMENDMENTS PRESENTED BY ALL GOVERNMENTS THE GREATER THE CHANCE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SINGAP 01189 111143Z

OF REACHING AGREEMENT. GOS ALSO OFFERED SEVERAL SUBSTANTIVE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

COMMENTS ON MAJOR OUTSTANDING LOS ISSUES. END SUMMARY.

1. ON MARCH 10, DCM AND EMBOFF CONVEYED U.S. VIEWS ON UPCOMING LOS CONFERENCE SET FORTH REFTEL TO TWO MEMBERS OF GOS DELEGATION, CHAO HICK TIN, DEPUTY SENIOR STATE COUNSEL, ATTORNEY GENERAL'S CHAMBERS, AND GEOFFREY YU, MFA PRINCIPAL ASSISTANT SECRETARY, INTERNATIONAL DIVISION. CHAO, SINGAPORE'S LEADING LEGAL EXPERT ON LOS, AND YU, YOUNG, BRIGHT, WELL-VERSED ON LOS, LEAVE SINGAPORE MARCH 11 WITH PROFESSOR S. KAYAKUMAR, DEAN OF LAW FACULTY, UNIVERSITY OF SINGAPORE AND FORMER GOS AMBASSADOR TO UN. ALL THREE MEN ATTENDED TWO PREVIOUS CONFERENCE SESSIONS. REMAINDER OF DELEGATION ARE ALREADY IN NEW YORK AND INCLUDE AMBASSADOR TO UN TOMMY KOH (CHIEF OF DELEGATION) AND MICHAEL CHEOK, FIRST SECRETARY, GOS MISSION TO UN. AMBASSADOR KOH WILL REPRESENT GOS ON COMMITTEE I, CHAO AND JAYAKUMAR ON COMMITTEE II, YU ON COMMITTEE III.

2. CHAO AND YU EMPHASIZED THAT GOS IS ANXIOUS THAT AGREEMENT BE REACHED ON KEY ISSUES SO THAT LOS TREATY WOULD BE SUCCESSFULLY CONCLUDED. EMBOFFS RECEIVED IMPRESSION THAT GOS DID NOT WANT TO SEE PROGRESS ACHIEVED IN COMMITTEE II (OF UTMOST IMPORTANCE TO SINGAPORE) GO DOWN THE DRAIN BECAUSE OF FAILURE TO REACH AGREEMENT IN OTHER AREAS. THUS, DELEGATION IS PREPARED BE QUITE FLEXIBLE AND EXERT MODERATING INFLUENCE ON MANY OUTSTANDING ISSUES IN ORDER CONCLUDE TREATY. AS DEPARTMENT AWARE, GOS POSITIONS IN MOST ISSUES ARE CLOSE TO U.S. HOWEVER, DELEGATION'S EFFORTS TO ACHIEVE AGREEMENT THROUGH COMPROMISE COULD PUT GOS AT ODDS WITH U.S. POSITION ON SOME ISSUES, E.G. AT ONE POINT IN EMBASSY DISCUSSIONS CHAO STATED THAT DELEGATION HAD NO MANDATE ON ORGANIZATION/OPERATING POWERS OF AN INTERNATIONAL DEEP SEABED AUTHORITY. THEREFORE GOS WOULD BE WILLING TO GO ALONG WITH THE CONSENSUS ON DEEP SEABEDS QUESTIONS. HE ALSO VOLUNTEERED GOS WOULD TRY TO EXERT MODERATING INFLUENCE WITH VIEW TO ELIMINATING OR TONING DOWN SOME OF THE MORE EXTREME PROPOSALS FROM RADICAL GOVERNMENTS.

3. GOS DEL BELIEVES THAT SUCCESS OF CONFERENCE MAY WELL BE DETERMINED IN FIRST TWO WEEKS DEPENDING ON NUMBER OF AMENDMENTS PROPOSED AND WHETHER GOVERNMENTS ARE PREPARED TO ENGAGE IN SERIOUS NEGOTIATION. GOS HOPES USG WILL MAKE AS FEW AMENDMENTS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SINGAP 01189 111143Z

AS POSSIBLE AND STRESSED POINT REPEATEDLY THAT GENERAL ACCEPTANCE OF SINGLE TEXT WITH MINIMUM OF CHANGE WAS SUREST GUARANTEE THAT LOS TREATY WOULD BE CONCLUDED. CHAO AND YU, HOWEVER, FRANKLY FEEL THAT AN AVALANCHE OF AMENDMENTS ON THE KEY ISSUES IS MORE LIKELY TO OCCUR, BUT REMAIN HOPEFUL THAT SPIRIT OF COMPROMISE WILL PREVAIL.

4. EMBASSY DISCUSSIONS ALSO INCLUDED EXCHANGE OF VIEWS ON MAJOR

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

OUTSTANDING LOS ISSUES. EMBOFFS CONVEYED U.S. POSITIONS SUMMARIZED REFTEL AND GOS OFFERED SUBSTANTIVE COMMENTS ON FOLLOWING POINTS:
A. PASSAGE THROUGH STRAITS. GOS AGREES WITH US THAT THIS ISSUE, OF MAJOR INTEREST TO SINGAPORE, IS WELL ON WAY TO RESOLUTION. ACCORDING TO GOS, THERE IS BROAD SUPPORT FOR UNIMPEDED STRAITS PASSAGE. CHAO QUERIES EMBOFF WHETHER U.S. AND INDONESIA HAD MADE ANY FURTHER PROGRESS ON ARCHIPELAGOES. DCM DISCLAIMED ANY KNOWLEDGE AND SUGGESTED THEY CONSULT WITH USDEL IN NEW YORK.

B. INTERNATIONAL RULES GOVERNING DEEP SEABED. GOS BELIEVES THIS IS THE MOST DIFFICULT ISSUE BEFORE THE CONFERENCE AND CONSIDERS EVENTUAL SOLUTION LIES IN ESTABLISHING SOME FORM OF RESTRICTED ACCESS TO SEABED RESOURCES. GOS HAS REPORT FROM AMBASSADOR KOH IN NEW YORK THAT INTERSESSIONAL COMMITTEE I MEETINGS HAVE MADE SOME PROGRESS, BUT THIS MAY BE LARGELY ATTRIBUTABLE TO FACT THAT MOST RADICAL GOVERNMENTS DID NOT ATTEND MEETING.

C. CONTINENTAL MARGIN. GOS AMENDABLE TO CONCEPT OF FORMULA FOR DEFINING EXTENT OF COASTAL STATE JURISDICTION OVER MARGIN BEYOND 200 MILES. GOS IS OF OPINION, TOGETHER WITH MANY OTHER STATES ACCORDING TO CHAO, THAT REVENUE SHARING IS FEASIBLE PROPOSITION.

D. RIGHTS OF ACCESS TO LIVING RESOURCES. AS A SHELF-LOCKED COUNTRY, EQUAL ACCESS TO RESOURCES OF ECONOMIC ZONE OF NEIGHBORING COASTAL STATE IS VERY IMPORTANT ISSUE TO SINGAPORE, WHICH IS PARTICULARLY ANXIOUS TO SAFEGUARD ITS FISHING INTERESTS IN INDONESIAN WATERS. GOS BELIEVES GEOGRAPHICALLY DISADVANTAGED STATES SHOULD STOP PRESSING FOR ACCESS TO NON-LIVING RESOURCES (A NON-STARTER) AND CONCENTRATE ON LIVING RESOURCES. GOS IS ANXIOUS THAT LOS CONVENTION INCLUDE RECOGNITION OF THIS RIGHT, AND WOULD OPPOSE MERELY LEAVING IT TO A REGIONAL SOLUTION. GOS RECOGNIZES THAT BILATERAL OR REGIONAL NEGOTIATIONS WOULD
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SINGAP 01189 111143Z

BE REQUIRED TO IMPLEMENT THIS RIGHT IN PRACTICAL TERMS.

E. MARINE SCIENTIFIC RESEARCH. GOS, HAVING LITTLE SUBSTANTIVE INTEREST IN THIS ISSUE, MAY EXPECT MODERATING INFLUENCE AT CONFERENCE THOUGH IT BELIEVES U.S. MAY HAVE TO COMPROMISE ITS POSITION SOMEWHAT GIVEN THE STRONG BELIEF OF MANY COASTAL STATES THAT A CONSENT REGIME IS NECESSARY.

F. MARINE POLLUTION. GOS SUPPORTS REQUIREMENT FOR A STRONG FLAG STATE OBLIGATION TO ENFORCE INTERNATIONAL STANDARDS OF ALL TYPES ON ITS VESSELS. THOUGH GOS PROFESSES KEEN INTEREST IN COMMITTEE III POLLUTION ISSUE, IMPRESSION CONVEYED IN DISCUSSION WAS ONE OF RELATIVE INDECISION. GOS DID MAKE POINT THAT CANADA HAS FUNDAMENTAL INTEREST IN ISSUE AND ITS CALLS FOR STANDARD SETTING RIGHTS WERE ATTRACTIVE TO SMALLER COASTAL STATES. PERHAPS

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

IF US AND CANADA REACHED BILATERAL AGREEMENT ON ISSUE, GOS
POINTED OUT, MATTER MIGHT BE MORE EASILY RESOLVED. HOLDRIDGE

CONFIDENTIAL

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, POLICIES, MEETINGS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SINGAP01189
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760092-0996
From: SINGAPORE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760371/aaaackgr.tel
Line Count: 171
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 54588
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2004 by ElyME>; APPROVED <13 SEP 2004 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: UP-COMING LOS CONFERENCE SESSION
TAGS: PLOS, SN, US, XX
To: STATE USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006